

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

UNITED STATES OF AMERICA,

Plaintiff

Vs.

WALDEMAR PEREZ QUINTANA

Defendant

Crim. No. 97-145 (DRD)

OPPOSITION TO RESPONSE AND REQUEST FOR SANCTIONS

Herein appears defendant Waldemar Perez Quintana, through his undersigned attorney and most respectfully prays and requests:

1. On 7/29/05, government counsel Rebecca Vargas filed a Response to Motion Requesting to Investigate the Payments of Fine and Special Monetary Assessment where she incorrectly alleges that defendant Waldemar Perez' vacation money owed to him by ASPRI was *"used to pay restitution to said institution and not to pay the fine nor the assessment imposed by this Hon. Court"*.

2. To begin with this Court did not impose restitution as part of it's judgment only the \$10,000.00 fine. If said counsel would have taken the time to read the transcript of the sentence hearing of March 1, 2002, she would have seen that the Court was quite specific in holding that due to the money received from

the sale of CECSI's forfeited properties and the cash seized from CECSI's bank accounts it would not impose restitution. (Exh. 1)

The Court went on to specifically hold that *"Having considered the defendant's financial condition a fine in the amount of ten thousand dollars is to be paid and that can be paid from the amount that has been seized that has been deposited by ASPRI in this case. ASPRI having deposited in this case the amount of seventeen thousand a hundred and fifty nine forty five, which was for your unused sick leave and unused vacation"* (Exh. 1)

3. It is clear from the above that contrary to the false representations made by government counsel the Court specifically instructed that the fine be paid from the vacation and sick leave money owed to him by ASPRI and which apparently has already entered government coffers which indicates that the fine has been paid and that the government is improperly trying to make a double recovery when it requests that the ten thousand be deducted again from the bond paid in this case.

4. The history of improper requests and clear misrepresentations of the record by government counsel warrant the imposition of sanctions by the Court.

WHEREFORE it is respectfully requested from this Hon. Court that it order stricken from the record the Response filed by the government, determine if the ASPRI funds have already been collected by the government to pay the fine

as expressly ordered by the Court at the sentencing hearing and impose sanctions and attorney fees on the government for it's clearly false misrepresentations to the Court.

I hereby certify that on this same date, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following: AUSA Rebecca Vargas Vera.

In San Juan, Puerto Rico, this 2nd day of August, 2005.

S/ Rafael F. Castro Lang

RAFAEL F. CASTRO LANG

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Attorney for Defendant

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